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IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CIVIL REVISION NO. 170 OF 2003

Single Bench

APPLICANT
PLAINTIFF.

: NARENDRA KUMAR
RAWAL, AGED ABOUT
44 YEARS SON OF SHRI
PREM SHANKAR RAWAL
RESIDENT OF KHARIAR
ROAD, NAYAPADA,
(ORISSA)

VERSUS

NON-APPLICANTS
DEFENDANTS

1) DEVENDRA KUMAR,
SON OF SHRI GUNWANT
RAI, AGED 35 YEARS
RESIDENT OF NEHRU
CHOWK, MAHASAMUND
TAHSIL & DISTT -
MAHASAMUND (CG)

2) THE COLLECTOR,
MAHASAMUND, DISTT.
MAHASAMUND (C.G.)

P. R. No. 986/03
Presented by Shri B. P. Sharma
dated 22.04.03

REVISION PETITION UNDER SECTION 115 OF CODE OF
CIVIL PROCEDURE, 1908

आदेश पत्रक

मामला क्रमांक

C.R. 170/2003
सन् 2003

(71)

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	10.03.2005: - Shri B.P.Sharma, learned counsel for the applicant. The instant civil revision is directed against the impugned order dated 22.01.2003 passed by IInd Addl. District Judge, Mahasamund (C.G.) and by which the application of the applicant under Section 33 of the Evidence Act has been dismissed. Learned counsel for the applicants seeks to withdraw the instant revision with liberty to file appropriate proceedings available under the law as the same is not maintainable in view of the amended proviso to Section 115 of the Code of Civil Procedure and the law laid down by the Apex Court reported <u>in (2003) 6, SCC 659</u> in the matter <u>of Shiv Shakti Coop. Housing Society, Nagpur Vs. Swaraj Developers and Others</u> as well as in the case of <u>Surya Devi Rai Vs. Ram Chander Rai and Others</u> reported in <u>(2003) 6, SCC, 675.</u> Accordingly, the revision petition is dismissed as not maintainable with liberty as prayed for.	Sd/- Dhirendra Mishra Judge

(पीछे देखिये)

16.3.05
16/3/05